



## The University of Toledo - Main Campus Policy

### IV-1 3360-30-01 Joint statement on rights and freedoms of students.

The Board of Trustees of The University of Toledo, upon the recommendation of the division of Student Life, Student Government, the Faculty Senate and the University Faculty, hereby submit the joint statement on rights and freedoms of students. Students are an essential element of the University community.

The board further recognizes that these general statements must be implemented by specific regulations and procedures approved by the board, the same to be in accord with the powers, duties and responsibilities vested in this board under the laws of the state of Ohio.

#### (A) Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. The university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for students freedom to learn.

#### (B) Freedom of access to higher education

The admissions policies of each college and the University are a matter of institutional choice provided that each college and the University make clear the characteristics and expectations of students which it considers relevant to success in the institution's program. Under no circumstances should a student be barred from admission on the basis of race, sex, sexual orientation, religion, national origin, age, handicap or veteran status. Thus, within the limits of its facilities, each college and the University should be open to all students who are qualified according to its admission standards. The facilities and services of the University should be open to all of its enrolled students, and the university will use its influence to secure equal access for all students to public facilities in the local community.

#### (C) In the classroom

The professor in the classroom and in conference should encourage free discussion, inquiry and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

- (1) Protection of freedom of expression. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.
- (2) Protection against improper academic evaluation. Students should have protection through orderly procedures against prejudiced or capricious academic evaluations. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.
- (3) Protection against improper disclosure. Information about student views, beliefs and political associations which professors acquire in the course of their work as instructors, advisers and counselors, should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

#### (D) Student records

The University has a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of non-current disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

#### (E) Student affairs

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

##### (1) Freedom of association

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

- (a) The membership, policies and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the organization.
- (b) Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.
- (c) Each organization should be free to choose its adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

- (d) Student organizations are required to submit a statement of purpose, criteria for membership rules of procedures, and a current list of officers. They should not be required to submit a complete membership list as a condition of institutional recognition.
- (e) Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, sex, sexual orientation, creed, religion, national origin, or handicap, except for religious qualifications which may be required by organizations whose aims are primarily sectarian and except for fraternities and sororities that are permitted by federal law to restrict membership on the basis of sex.

(2) Freedom of inquiry and expression

- (a) Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.
- (b) Students should be allowed to invite and to hear any person of their choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to ensure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

(3) Student participation in institutional government

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

(4) Student publications

Student publications and the student press are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the campus community, including the faculty and the institutional authorities, and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible the student newspaper should be an independent corporation financially and legally separate from the University. Where financial and legal autonomy is not possible, the institution, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of

student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

- (a) The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their editorial policies and news coverage.
- (b) Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.
- (c) All University-published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the University or student body.

(5) University open access, free speech posting area regulations and requirements

The University is committed to maintaining and inspiring an environment that encourages inquiry and open debate. The University will be zealous in its efforts to promote free speech and first amendment rights. To this end, in the spirit of not just tolerating the open and free exchange of ideas but actively supporting it, the University has established open-access posting areas in the Student Union and the Scott Park Student Center. These areas are open to all members of the University community and visitors. Those wishing to post material in these areas may do so without prior approval or censorship.

The University is also obligated to maintain order in operations and in management of facilities and programs. Further, although the University will encourage and promote the exchange of ideas, it will be vigilant in protecting any individual or group from speech or other action that is intentionally used to harm or injure.

In meeting its responsibilities, the University has established the following regulations relative to the open access posting areas:

- (a) Open access posting of material will be restricted to the "free speech" posting areas designated on campus in the Student Union and Scott Park Student Center.
- (b) Material posted is limited to one sheet not to exceed the size of 11" x 17".
- (c) All material posted must be dated and include clear identification of the individual(s) or organization(s) posting the material. Material will remain posted for seven days from the date noted.
- (d) No material may be posted which intentionally demeans, harasses, or distresses on the basis of the race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry or age of an individual or individuals.
- (e) No material may be posted which intentionally creates an intimidating, hostile environment, which intentionally presents a clear and present danger of harm to individual(s) or to University operations, or which is considered pornographic by state statute.

The open access posting areas will be monitored daily by representatives of student government and University officials designated by the vice president for student life. Posted material not complying with the above standards will be removed. Appeals of decisions to remove material may be made to the dean of students who will establish a formal process to review such appeals. Violations of the above

standards or abuse of the privilege of using these posting areas by University students will constitute a violation of the student code of conduct and will be reviewed and adjudicated through the appropriate processes.

(F) Off-campus freedom of students

(1) Exercise of rights of citizenship.

College and University students are citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should ensure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship on and off campus.

(2) Institutional authority and civil penalties.

Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. Institutional action should be independent of community pressure.

(G) Procedural standards in disciplinary proceedings

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an honor code, and the degree to which the institutional officials have direct acquaintance with student life, in general, and with the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibility of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that the student be informed of the nature of the charges against the student, that the student be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings.

(1) Standards of conduct expected of students

The University has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to the student's education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the

aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of University regulations.

(2) Investigation of student conduct

- (a) Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students will not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects of information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.
- (b) Students detected or arrested in the course of serious violations of institutional regulations, or infractions or ordinary law, should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

(3) Status of the student pending final action

Pending action on the charges, the status of a student should not be altered, or the right of the student to be present on the campus and to attend classes suspended except for reasons relating to the student's physical or emotional safety and well-being, or for reasons relating to the safety and well being of students, faculty and staff, or University property.

(4) Hearing committee procedures

When the misconduct results in serious penalties and if the student questions the fairness of disciplinary action taken, the student should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of 'procedural due process' in situations requiring a high degree of formality:

- (a) The hearing committee should include faculty members or students, or if regularly included, faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceeding.
- (b) The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to ensure opportunity to prepare for the hearing.
- (c) The student appearing before the hearing committee should have the right to be assisted in the defense by an adviser.
- (d) The burden of proof should rest upon the officials bringing the charge.
- (e) The student should be given an opportunity to testify and to present evidence and witnesses. The student should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against the student unless the student has been advised of their content and of the names of those who made them, and unless the student has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

- (f) All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matters. Improperly acquired evidence should not be admitted.
- (g) In the absence of a transcript, there should be a digest and a verbatim record, such as a tape recording of the hearing.
- (h) The decision of the hearing committee should be final, subject only to the student's right of appeal.

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Certification: Sandra A. Drabik\_\_\_\_\_  
Secretary, Board of Trustees

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